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Attorneys for Plaintiff Beth Maxwell Stratton,  
Chapter 7 Bankruptcy Trustee for SGP Benefit Plan,  
Inc. and Independent Fiduciary of the SGP Benefit  
Plan

**UNITED STATES DISTRICT COURT**  
**EASTERN DISTRICT OF CALIFORNIA**

BETH MAXWELL STRATTON,  
CHAPTER 7 BANKRUPTCY TRUSTEE  
FOR THE SGP BENEFIT PLAN, INC.,

Plaintiff,

vs.

GLACIER INSURANCE  
ADMINISTRATORS, INC.; GLACIER  
INSURANCE ENTERPRISES, INC.;  
FRESNO AGENT SERVICE TEAM, INC.  
DOING BUSINESS AS BEN MAR  
INSURANCE SERVICES; BEN MAR  
INSURANCE SERVICES; LAWRENCE  
THOMPSON; BRAD STARK; PIERRE  
TADA; NORMA SPALDING; DICK  
NEECE, SR.; WILLIAM  
WOLHAUPTER; and DOES 1 through  
250 inclusive,

Defendants.

Case No. CIV-F-02-6213 OWW DLB

**STIPULATION AND ORDER APPROVING  
FORM OF NOTICE OF MOTION FOR  
APPROVAL OF SETTLEMENTS**

Judge Oliver W. Wanger

WHEREAS, this Court on October 14, 2004, and January 4, 2005, issued Orders  
preliminarily approving the settlement agreements between Beth Maxwell Stratton ("Plaintiff"),  
and (a) Sunkist Growers, Inc. and Ted Jones, (b) Glacier Insurance Administrators, Inc., Glacier  
Insurance Enterprises, Inc., in its own name and doing business as Glacier Insurance  
Administrators, Fresno Agent Service Team, Inc., in its own name and doing business as Ben Mar  
Insurance Services, and Lawrence Thompson, as well as all of the officers, directors,

STIPULATION FOR APPROVAL OF FORM OF NOTICE OF MOTION FOR APPROVAL  
OF SETTLEMENTS AND PROPOSED ORDER THEREON

1 shareholders, agents, employees, heirs, executors, affiliates, subsidiaries, successors,  
2 predecessors, assigns, transferees and insurers of the above (collectively the “Glacier  
3 Defendants”), and (c) Brad Stark, Pierre Tada, Norma Spalding, Dick Neece, Sr., and William  
4 Wolhaupter (collectively the “Former Trustee Defendants”), issuing temporary injunctions related  
5 thereto, and approving interim notices and forms and procedures for effectuating those  
6 settlements;

7 WHEREAS, the Court’s Orders were based in part on the parties’ stipulation that once  
8 Plaintiff had administered and determined claims against SGP Benefit Plan, Inc. (“SGP”), the  
9 SGP Benefit Plan (“Plan”) and the SGP Benefit Plan Trust (“Trust”), and prepared a plan of  
10 distribution of settlement funds, Plaintiff would seek this Court’s approval of a proposed Notice  
11 (in English and Spanish) designed to advise claimants, creditors, and participants and  
12 beneficiaries of SGP, the Plan and the Trust of Plaintiff’s request for final approval of the  
13 proposed settlements and the distribution plan and of the hearing on that request;

14 WHEREAS, Plaintiff has completed her administration and determination of claims and  
15 has prepared a proposed plan of distribution of settlement funds and wishes to secure this Court’s  
16 final approval and implementation of that distribution and the settlements;

17 WHEREAS, the parties have collectively prepared and approved a form of Notice of  
18 Motion for Final Court Approval, a copy of which is attached as Exhibit A hereto; and

19 WHEREAS, the parties hereto contend that it is reasonable to require that any person who  
20 wishes to oppose the Motion for Final Court Approval, or any of the relief sought in that Motion,  
21 either (1) hand-serve his or her written objection on all parties to the Motion at least twenty-one  
22 (21) days before the hearing on the Motion, or (2) mail-serve by regular first-class mail his or her  
23 written objection an all parties to the Motion at least twenty-one (21) days before the hearing on  
24 the Motion.

25 NOW, THEREFORE, the parties hereto, by and through their respective attorneys of  
26 record, stipulate, agree, and collectively request that the Court approve, execute, and issue its  
27 Order, in the form below, approving Plaintiff’s use of the form of Notice of Motion attached as  
28 Exhibit A hereto to give notice to all claimants, creditors, and participants and beneficiaries of

SGP, the Plan and the Trust (in both English and Spanish) of the hearing on Plaintiff's "Motion for Final Court Approval of: 1) Settlements Concerning SGP Benefit Plan, Inc., SGP Benefit Plan, and SGP Benefit Plan Trust; 2) Proposed Distribution of Settlement Funds; 3) Permanent Injunction against Claims or Litigation;" and 4) Bankruptcy Trustee's Final Report of Administration.

The Notice will be mailed not less than sixty (60) days prior to the hearing on the Motion.

Additionally, the parties hereto request that the Court find and order that it is reasonable to require that any person who wishes to oppose the Motion for Final Court Approval, or any of the relief sought in that motion, either (1) hand-serve his or her written objection on all parties to the Motion at least twenty-one (21) days before the hearing on the Motion, or (2) mail-serve by regular first-class mail his or her written objection an all parties to the Motion at least twenty-one (21) days before the hearing on the Motion.

Dated: May 1, 2006

MICHAEL J. SENG

By S/ Michael J. Seng

Michael J. Seng, Attorneys for Plaintiff Beth Maxwell Stratton, Chapter 7 Bankruptcy Trustee for SGP Benefit Plan, Inc., and Independent Fiduciary of the SGP Benefit Plan

Dated: May 1, 2006

SAGASER, JONES & HAHESY

By S/ William C. Hahesy

William C. Hahesy, Attorney for Glacier Defendants

Dated: May 1, 2006

MORGAN LEWIS & BOCKIUS LLP

By S/ Donald P. Sullivan

Donald P. Sullivan, Attorney for Former Trustee Defendants

Sunkist Growers, Inc., and Ted Jones, by and through their attorney of record, although not currently parties to this action, but directly affected thereby, endorse this request for the Court's order.

Dated: May 1, 2006

LUCE FORWARD HAMILTON & SCRIPPS

By S/ Michael H. Bierman

Michael H. Bierman, Attorney for Sunkist Growers, Inc., and Ted Jones

**ORDER**

Having reviewed the above stipulation and the proposed form of notice attached as Exhibit A to it, and for GOOD CAUSE APPEARING,

The attached form of Notice of Motion is **APPROVED** for Plaintiff's use in giving notice, in both English and Spanish, of the hearing to be held on Plaintiff's Motion for Final Court Approval of: 1) Settlements Concerning SGP Benefit Plan, Inc., SGP Benefit Plan, and SGP Benefit Plan Trust; 2) Proposed Distribution of Settlement Funds; 3) Permanent Injunction against Claims or Litigation; and 4) Bankruptcy Trustee's Final Report of Administration. The Notice shall be given at least sixty (60) days prior to the scheduled hearing on the Motion and be sent by regular first-class mail.

Additionally, the Court finds that it is reasonable and orders that any person who wishes to oppose the Motion for Final Court Approval, or any of the relief sought in that motion, must either (1) hand-serve his or her written objection on all parties to the Motion at least twenty-one (21) days before the hearing on the Motion, or (2) mail-serve by regular first-class mail his or her written objection on all parties to the Motion at least twenty-one (21) days before the hearing on the Motion.

**IT IS SO ORDERED:**

Dated: \_\_May 3\_\_\_\_\_, 2006

By /s/ OLIVER W. WANGER  
Oliver W. Wanger, Judge of the United  
States District Court, Eastern District of  
California

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